

Date of decision: 12-12-1995

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Mr. P.M.Raval for the petitioner
Mr. D.A.Bambania for the respondents

Coram: S. K. KESHOTE, J
(12-12-1995)

ORAL JUDGMENT:

Heard the learned counsel for the parties.

2. The petitioner in this case has challenged the action of the respondents to revert him from the post of P.S.I. to that of Head Constable. The petitioner was promoted to the post of P.S.I. and posted at Mehsana Police Station, as per order dated 17-6-1982. Vide wireless message dated 12th December, 1982 the Director General of Police, Gujarat State, directed for the reversion of the petitioner. The petitioner filed this writ petition before this Court, and on 30th November, 1982 this court passed order that the petitioner may continue to be on leave without prejudice to the rights and contentions of both the sides. Rule was issued on 1st December, 1983, and the aforesaid interim relief was ordered to continue till final disposal of the writ petition.

3. It is not the case of the respondents that the reversion order has been given effect to. It is also not in dispute that in the year 1982 when this writ petition was filed the petitioner was of the age of 56 years. The petitioner has retired thereafter in the year 1984 and he was ordered to be retired from the post of P.S.I. When this court has protected the right of the petitioner at the admission stage by granting interim relief, which had the effect of virtually granting the substantial relief, it may now work prejudicial to the petitioner and cause him

monetary loss in case the writ petition is dismissed. When it is not the case of the respondents that the reversion was given effect to, I fail to see any justification at this stage, when the petitioner has already retired from service in the year 1984, to take out the benefits which have already been availed of by him.

4. In the result this writ petition succeeds and the same is allowed. The order of reversion of the petitioner is quashed and set aside. Rule made absolute accordingly, with no order as to costs.

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